

REMARKS

Claims 1-11 remain in this application. Claims 1, 4, 10 and 11 have been amended. Claims 2, 3, and 5-9 remain unchanged. Claims 12-33 were previously withdrawn as the result of an election responding to a restriction requirement. No new subject matter is believed to have been added by this Amendment.

On page 2 of the Office Action, the Examiner objects to claims 1, 4, 10, and 11. With respect to claim 1, the Applicant believes the language reflects at least the embodiment illustrated in Figure 2, wherein the height H occurs at the maximum divergence of first side 22 with second side 24. However, for improved clarity, claim 1 has been amended to provide additional details of the first side and the second side. With respect to claim 4, the term segment has been added to claim 1 such that it is now clear the slats in claim 1 are the same slats as those found in claim 4. With respect to claim 10, the language directed to maximum height was removed and the shape of the rib was further described as shaped to resiliently snap into and be positively retained within an opening of the frame member, as illustrated in Figures 3 and 4 of the application. With respect to claim 11, the maximum height was more clearly associated with the distance between the first side and the second side, again as illustrated in Figure 2.

On pages 3-5 of the Office Action, the Examiner rejects claim 1-11 under 35 USC Section 102(b) as being anticipated by the teaching of United States patent 1,014,617 to White (hereinafter the White '617 patent). The White '617 patent is directed to a method of making metal structures, and in particular, a sheet metal blank having a plain central portion 2 with u-shaped side ribs 3. These ribs 3 are entirely u-shaped. They are significantly different from those disclosed and claimed by the Applicant.

In particular the Applicant's invention is directed to a lath having, among other features, ribs protruding from the back face 19 of the lath 10. In one embodiment, as found in amended claim 1, each rib 20 has a first side 22 and an opposing second side 24. The sides diverge from one another as they extend from the back wall and then converge to a connector segment. This feature allows the ribs to snap into and be retained by a frame member 100 (Fig. 3). This feature is neither taught nor suggested by the White '617 patent.

Claim 10 was amended to more clearly identify the shape of each rib as having a

profile to resiliently snap into and be positively retained within an opening of the frame member. This feature is also illustrated in Figure 2 and the lath 10 is illustrated as snapped into position in Figure 4. This feature is neither taught nor suggested by the White '617 patent.

Claim 11 was clarified to indicate that the first side and the second side create a profile in the shape of a barb adapted to snap into an opening of the frame member. This feature is neither taught nor suggested by the White '617 patent.

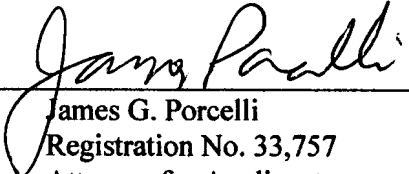
The profile of the lath permits the ribs to be snap-fitted saves significant time and labor during the installation process and such a benefit is not available with the design taught by the White patent or by the other prior art of record. United States Patent 1,112,181 to White, hereinafter referred to as the White '181 patent, was cited by the Examiner but not used as a basis for rejecting any claims. The White '181 patent is directed to an expanded metal structure with stiffening ribs 1 that are spot welded 8 to a particular shape with a maximum height at the maximum divergence of the sides. However, as illustrated in Figure 2 of the White '181 patent and discussed in the associated text, the sides of the ribs 1 are spot welded 8 so they are rigidly held together and as a result hold a particular shape. The opposing sides of these ribs are not spaced apart along their length, as found in Applicant's amended claim 1. Figure 5 of the White '181 patent shows the unrestrained shape of these ribs and they are v-shaped. With respect to claim 1, the ribs disclosed in the White '181 patent are not spaced apart along their length. With respect to claim 10, the ribs in the White '181 patent are not shaped to resiliently snap within an opening. With respect to claim 11, the ribs in the White '181 patent are not shaped like a barb to snap into an opening. Therefore, independent claim 1, 10, and 11 are believed to be patentably distinct over the teaching of the White '181 patent.

As a result, none of the independent claims 1, 10 and 11 are believed to be anticipated by or made obvious by the teaching of the White patent or by the White '181 patent. Furthermore, by way of their dependence upon what is believed to be patentably distinct claim 1, dependent claim 2-9 are themselves believed to be patentably distinct over the prior art of record.

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Examination and allowance of claims 1-11 are respectfully requested.

Respectfully submitted,
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